

AMENDED IN ASSEMBLY APRIL 21, 2014

AMENDED IN ASSEMBLY APRIL 2, 2014

AMENDED IN ASSEMBLY MARCH 20, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2069

Introduced by Assembly Member Maienschein

February 20, 2014

An act to add ~~Sections 120392.10 and~~ *Section* 120393 to the Health and Safety Code, relating to immunizations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2069, as amended, Maienschein. Immunizations: influenza.

~~(1) Under existing law, the State Department of Public Health licenses and regulates various types of health facilities, including general acute care hospitals:~~

~~Existing law requires a general acute care hospital, as defined, to offer, each year commencing with October 1 to the following April 1, inclusive, prior to discharge, immunizations for influenza and pneumococcal disease to inpatients, 65 years of age or older, based upon the adult immunization recommendations of the Advisory Committee on Immunization Practices of the federal Centers for Disease Control and Prevention, and the recommendations of appropriate entities for the prevention, detection, and control of influenza outbreaks in California general acute care hospitals, pursuant to the hospital's standardized procedures and if the hospital has the vaccine in its possession.~~

~~This bill, in addition, would require each general acute care hospital to annually provide, prior to discharge, educational information~~

~~regarding influenza disease and the availability of a vaccine to protect against the influenza virus to persons who are between 6 months and 64 years of age, inclusive, beginning no later than October 1 and ending on the following April 1, pursuant to the standardized procedures of the hospital and in accordance with the recommendations of the Advisory Committee on Immunization Practices of the federal Centers for Disease Control and Prevention of the United States Department of Health and Human Services, as specified. This bill would also require a general acute care hospital that chooses to offer influenza vaccinations to patients who are between 6 months and 64 years of age, inclusive, to inform each inpatient that he or she may be required to pay for the cost of the vaccination.~~

~~(2) Under~~

Under existing law, the State Department of Public Health administers various programs for the protection of public health. Existing law requires the department to submit a biennial report to the Legislature on the immunization status of young children in the state and the improvements made in ongoing methods of immunization outreach and education in communities where immunization levels are disproportionately low.

This bill would require the department to annually post specified educational information regarding influenza disease and the availability of influenza vaccinations on the department's Internet Web site prior to the annual influenza season, and also would authorize the department to use additional available resources to educate the public regarding influenza, including, among other things, public service announcements. The bill would also make legislative findings and declarations relating to the influenza virus.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Influenza, commonly known as the flu, is a serious virus
- 4 that can cause mild to severe illness, and at times can lead to death.
- 5 The best way to prevent influenza is by getting an influenza vaccine
- 6 each year.

1 (b) Complications of influenza can include bacterial pneumonia,
2 ear infections, sinus infections, dehydration, and worsening of
3 chronic medical conditions, including congestive heart failure,
4 asthma, and diabetes.

5 (c) Most experts believe that influenza viruses spread mainly
6 by droplets made when people with the flu cough, sneeze, or talk.
7 These droplets can land in the mouths or noses of people who are
8 nearby. Less often, a person might also get the flu by touching a
9 surface or object that has the influenza virus on it and then touch
10 their own mouth, eyes, or nose.

11 (d) The federal Centers for Disease Control and Prevention
12 (CDC) recommends that everyone who is at least six months of
13 age or older should get an influenza vaccine. This recommendation
14 has been in place since February 24, 2010, when *the* CDC's
15 Advisory Committee on Immunization Practices (ACIP) voted for
16 "universal" influenza vaccination in the United States in order to
17 expand protection against the spread of the influenza virus to more
18 people.

19 (e) The CDC estimates that the national and California seasonal
20 influenza rates for the 2012–13 influenza season of individuals
21 who are six months of age or older are 45 percent and 44.2 percent,
22 respectively.

23 (f) The public health implications related to influenza
24 vaccinations are important to the State of California because an
25 influenza vaccination can prevent a potentially deadly virus
26 infection and the costs associated with hospitalization can be
27 reduced.

28 ~~SEC. 2. Section 120392.10 is added to the Health and Safety~~
29 ~~Code, immediately following Section 120392.9, to read:~~

30 ~~120392.10. (a) Pursuant to its standardized procedures, each~~
31 ~~general acute care hospital, as defined in subdivision (a) of Section~~
32 ~~1250, shall annually, beginning no later than October 1 and ending~~
33 ~~on the following April 1, provide, prior to discharge, educational~~
34 ~~information regarding influenza disease and the availability of a~~
35 ~~vaccine to protect against the influenza virus to persons who are~~
36 ~~between 6 months and 64 years of age, inclusive. The educational~~
37 ~~information provided shall be in accordance with the~~
38 ~~recommendations of the Advisory Committee on Immunization~~
39 ~~Practices of the federal Centers for Disease Control and Prevention~~
40 ~~of the United States Department of Health and Human Services,~~

1 and the recommendations of appropriate entities for the prevention,
2 detection, and control of influenza outbreaks in California general
3 acute care hospitals as the recommendations exist and are annually
4 updated, if applicable, on January 1 of the year in which the
5 educational information is provided. Nothing in this section shall
6 be construed to require a hospital to cover the cost of a vaccination
7 if a hospital chooses to offer the influenza vaccine to inpatients
8 who are between 6 months and 64 years of age, inclusive.

9 (b) A general acute care hospital that chooses to offer influenza
10 vaccinations to patients who are between 6 months and 64 years
11 of age, inclusive, shall inform each inpatient that he or she may
12 be required to pay for the cost of the vaccination.

13 ~~SEC. 3.~~

14 *SEC. 2.* Section 120393 is added to the Health and Safety Code,
15 to read:

16 120393. (a) The State Department of Public Health shall
17 annually post educational information, *in accordance with the*
18 *latest recommendations of the Centers for Disease Control and*
19 *Prevention*, regarding influenza disease and the availability of
20 influenza vaccinations on the department's Internet Web site prior
21 to the annual influenza season. It is the intent of the Legislature
22 to increase the average number of Californians who receive an
23 influenza vaccination.

24 (b) The ~~influenza~~ *educational* information posted on the
25 department's Internet Web site pursuant to subdivision (a) shall
26 include, but not be limited to, all of the following:

27 (1) The health benefits of an influenza vaccination.

28 (2) That the influenza vaccination may be a covered benefit for
29 those with health insurance coverage.

30 (3) That influenza vaccinations may be available for a minimal
31 fee to those individuals who do not have health insurance coverage.

32 (c) The department may use additional available resources to
33 educate the public about the information described in subdivision
34 (b), including public service announcements, media events, public
35 outreach to individuals and groups who are susceptible to influenza,
36 and any other preventive and wellness education efforts
37 recommended by public health officials.